

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOEL BURKETT,

Plaintiff,

vs.

RENEE BAKER, *et al.*,

Defendants.

Case No. 3:13-cv-00300-MMD-WGC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on September 30, 2013. (ECF No. 3). The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were encouraged to engage in informal settlement discussions. (ECF Nos. 3 & 5). The Office of the Attorney General has filed a status report indicating that settlement was not reached and informing the Court of its intent to proceed with this action. (ECF No. 7).

IT IS THEREFORE ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**.
Plaintiff shall not be required to pay an initial installment of the filing fee. In the

1 event that this action is dismissed, the full filing fee must still be paid pursuant to
2 28 U.S.C. § 1915(b)(2).

3 2. The movant herein is permitted to maintain this action to conclusion without the
4 necessity of prepayment of any additional fees or costs or the giving of security
5 therefor. This order granting leave to proceed *in forma pauperis* shall not extend to
6 the issuance of subpoenas at government expense.

7 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay
8 to the Clerk of the United States District Court, District of Nevada, 20% of the
9 preceding month's deposits to plaintiff's account (**Joel Burkett, #16111**), in the
10 months that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid
11 for this action. The Clerk of the Court shall **SEND** a copy of this order to the Finance
12 Division of the Clerk's Office. The Clerk shall also **SEND** a copy of this order to the
13 attention of the Chief of Inmate Services for the Nevada Department of Corrections,
14 P.O. Box 7011, Carson City, NV 89702.

15 4. The Clerk shall electronically **SERVE** a copy of this order and a copy of plaintiff's
16 complaint (ECF No. 4) on the Office of the Attorney General of the State of Nevada,
17 attention Kat Howe.

18 5. Subject to the findings of the screening order (ECF No. 3), within **twenty-one (21)**
19 **days** of the date of entry of this order, the Attorney General's Office shall file a notice
20 advising the Court and plaintiff of: (a) the names of the defendants for whom it
21 accepts service; (b) the names of the defendants for whom it does not accept service,
22 and (c) the names of the defendants for whom it is filing last-known-address
23 information under seal. As to any of the named defendants for which the Attorney
24 General's Office cannot accept service, the Office shall file, *under seal*, the last
25 known address(es) of those defendant(s) for whom it has such information.

26 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a

1 motion identifying the unserved defendant(s), requesting issuance of a summons, and
2 specifying a full name and address for the defendant(s). For the defendant(s) as to
3 which the Attorney General has not provided last-known-address information,
4 plaintiff shall provide the full name and address for the defendant(s).

5 7. If the Attorney General accepts service of process for any named defendant(s), such
6 defendant(s) shall file and serve an answer or other response to the complaint within
7 **sixty (60) days** from the date of this order.

8 8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been
9 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
10 document submitted for consideration by the Court. Plaintiff shall include with the
11 original paper submitted for filing a certificate stating the date that a true and correct
12 copy of the document was mailed to the defendants or counsel for the defendants. If
13 counsel has entered a notice of appearance, the plaintiff shall direct service to the
14 individual attorney named in the notice of appearance, at the address stated therein.
15 The Court may disregard any paper received by a district judge or magistrate judge
16 which has not been filed with the Clerk, and any paper received by a district judge,
17 magistrate judge, or the Clerk which fails to include a certificate showing proper
18 service.

19 Dated this 6th day of January, 2014.

20
21 
22 UNITED STATES MAGISTRATE JUDGE